



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 30, 2008

Richard Hahn, Esq.
Senior Counsel
Poly One Corporation
33587 Walker Road
Avon Lake, OH 44012

RE: Draft Focused RI/FS Administrative Order on Consent
L.E. Carpenter Superfund Site, Borough of Wharton, Morris County, New Jersey

Dear Mr. Hahn:

In a letter dated July 30, 2008, the United States Environmental Protection Agency ("EPA") advised you that it intended to initiate discussions with L.E. Carpenter and Poly One Corporation to voluntarily finance and perform a monitored natural attenuation ("MNA") evaluation of the site-wide groundwater, as well as, a focused remedial investigation and feasibility study ("RI/FS") in the MW-19 area of the L.E. Carpenter Superfund Site ("Site"). Along with the above-mentioned letter, EPA sent a draft Administrative Order on Consent ("ACO") with a Statement of Work ("SOW") attached. In the same letter, EPA also advised you that it was assuming the role of lead enforcement agency for the Site. The April 18, 2008 letter from EPA to the New Jersey Department of Environmental Protection ("NJDEP") discussing this transfer is attached for your reference.

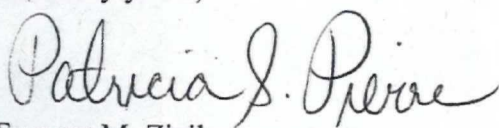
In a letter dated September 3, 2008, you responded to our July 30, 2008 letter, asking that EPA reconsider the need for an ACO and/or a focused RI/FS in the MW-19 area; stating that L.E. Carpenter, through its consultant, RMT, Inc. had already completed an investigation of the MW-19 area, and had submitted a Remedial Action Selection Report ("RASR") to the NJDEP. EPA had the opportunity to review the RASR, and has determined that further investigation of the MW-19 area is required in order to fully delineate the horizontal and vertical extent of the contamination in that area. The NJDEP is in agreement with EPA's position, as is indicated the Notice of Deficiency (NOD) issued to L.E. Carpenter by NJDEP on October 16, 2008.



To this end, it is recommended that L.E. Carpenter and Poly One Corporation reconsider negotiating with EPA to perform the work outlined in the draft ACO and SOW. To facilitate these negotiations, a response to this letter should be submitted as soon as possible, but no later than seven (7) days from the date of your receipt of this letter. Since EPA is now the lead agency for the Site, all correspondence and documents should be submitted to EPA with copies being sent to the NJDEP. If L.E. Carpenter and Poly One Corporation are still unwilling to negotiate with EPA, then EPA will finance the work and bill L.E. Carpenter and Poly One Corporation for the costs associated with said work.

Should you have any questions regarding this matter, please do not hesitate to call me at (212) 637-3135.

Sincerely yours,



for Frances M. Zizila
Assistant Regional Counsel

Attachment

cc: Glenn Savary, NJDEP (w/o attach.)
Richard Engel, NJ DAG (w/o attach.)

Michael David Lichtenstein, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068



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APR 18 2008

Irene Kropp
Assistant Commissioner for
Site Remediation Program
New Jersey Department of
Environmental Protection
P.O. Box 028
401 East State Street
Trenton, NJ 08625

Dear Ms. Kropp:

This is in response to your letter of March 31, 2008, concerning certain National Priorities List sites where the New Jersey Department of Environmental Protection (DEP) has been providing lead oversight with support from the U.S. Environmental Protection Agency (EPA). As you know, EPA plans to assume the lead on most of these sites. To facilitate a smooth transition of lead agency responsibilities, I have outlined below, how we plan to transfer the lead for each of the five sites which I have assigned to the New York Remediation Branch.

American Cyanamid: Currently, the potentially responsible party (PRP) is revising a site-wide feasibility study to address EPA and DEP comments. We propose that DEP maintain lead agency responsibility for this site through the publication of the proposed plan and public meeting. In addition to providing assistance to DEP for these activities, EPA would subsequently prepare the Record of Decision (ROD) and provide lead agency oversight of remedial design and remedial action activities which we expect will be performed by the PRPs.

JIS Landfill: While the 1995 ROD for groundwater contamination in the immediate vicinity of the landfill called for extraction and treatment, the PRPs have been conducting a bio-sparging treatability study for several years to address this contamination. We propose that we review these operational data and prepare the documentation necessary to modify the original groundwater remedy. A remedial investigation which addresses the downgradient groundwater is currently underway and a draft RI report is scheduled to be submitted by the PRPs to DEP and EPA this month. We propose that DEP complete the finalization of this document and EPA oversee the preparation of the feasibility study (FS) and prepare the Proposed Plan and ROD Amendment, if necessary.

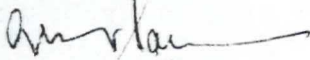
Dayco Corp./L.E. Carpenter: The PRP is evaluating whether residual groundwater contamination can be addressed through monitored natural attenuation rather than extraction and treatment as called for by the ROD. DEP recently approved a land-use permit to install five monitoring wells in a wetland area. EPA believes that DEP should oversee the installation of the five monitoring wells and the associated wetlands mitigation, since, it is anticipated that these activities will take place this summer. EPA will negotiate an enforcement agreement with the PRP to perform the monitored natural attenuation evaluation, continue the investigation in the MW-19/Hot Spot 1 area to fully delineate residual soil contamination, and conduct an FS (if necessary) to evaluate remedial alternatives to address the residual soil contamination and, if necessary, the groundwater in this area. Depending upon the results of the monitored natural attenuation evaluation, EPA would take the lead in preparing a ROD amendment if it is determined that the remedy should be modified. EPA would also prepare a ROD for the MW-19/Hot Spot 1 area should it be determined that action is necessary here.

Hercules, Inc.: EPA believes that DEP should continue to oversee the ongoing remedial design (RD) and remedial action (RA) related to the Solid Waste Disposal Area since the RD has almost been completed. EPA intends to negotiate an enforcement agreement with the PRP to perform RI/FS activities to assess site-wide groundwater and the extent of the contamination in the plant process area, Northern Chemical Landfill area, borrow pit area, storm water catch basin area, Clonmell Creek and adjacent wetlands, and any other areas of the site that may require further characterization. EPA would serve as lead agency for all future site actions.

Standard Chlorine Chemical Company: DEP is currently reviewing an RA work plan for an interim response action which includes the construction of a containment barrier around the site. EPA proposes that DEP complete the interim response action and the ongoing Hackensack River Study Area investigation. EPA would take lead agency oversight of the RI/FS for the remainder of the site.

I will provide our proposed strategies for transferring lead agency responsibility for the remaining sites discussed in my earlier correspondence in the near future. Your assistance with the transitions of these projects is greatly appreciated.

Sincerely yours,



George Pavlou, Director
Emergency and Remedial Response Division

cc: J. La Padula, NYRB